



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

MA 665/2017

O. A. No. 1113

of 2017

IN THE MATTER OF:

1. JAYANTA KUMAR PATRA, son of Late Sanyasi Patra, aged about 57 years, residing at Village- Basukatai, (Shibtala, Uttarmath), Post Office- Anandanagar, Police Station- Nischinda, Howrah- 711227, working to the post of Peon under the Chief Administrative Officer/Construction, Eastern Railway, Kolkata, 14, Strand Road, 4th Floor, Kolkata-700001.
2. SWAPAN KUAMR MAJHI, son of Late Sambhu Nath Majhi, residing at village- Alampur, Post Office- & Police Station- Memari, District- Burdwan- 713146, working to the post of Record Keeper under the Chief Administrative Officer/Construction, Eastern Railway, Kolkata, 14, Strand Road, 4th Floor, Kolkata-700001.
3. ASHOKE KUMAR MUKHÉRJEE, son of Late Mohendra Nath Mukherjee, residing

swm

at Dhania Para Road, Barrackpore, Post

Office- Nona-Chandanpukur, District- 24-

Parganas (North), working to the post of

ADM under the Chief Administrative

Officer/Construction, Eastern Rail....

Kolkata, 14, Strand Road, 4th Floor,

Kolkata-700001.

4. ASHIM KUMAR DEY, son of Late M.M. Dey, residing at Village- Arobinda pally, Post Office- Dattapukur, District- 24-Parganas (North) and working to the post of ADM under the Chief Administrative Officer/Construction, Eastern Railway, Kolkata, 14, Strand Road, 4th Floor, Kolkata-700001.

5. AVIJIT GHOSH, son of Late Jibon Ghosh, residing at 38A, Prantick Sarani, Post Office- Rabindranagar, Kolkata- 700065 and working to the post of ADM under the Chief Administrative Officer/Construction, Eastern Railway, Kolkata, 14, Strand Road, 4th Floor, Kolkata-700001.

6. AMULYA JANA, son of Late K.C. Jana, residing at Village- Surjapur, Post Office Osti via Balipal, District- Balasore.

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Odhisha working as Peon under the Chief
Administrative Officer/Construction
Eastern Railway, Kolkata, 14. Strand
Road, 4th Floor, Koikata-700001.

7. MONORANJAN MAITY, son of Late
Janmejay Maity, residing at Village & Post
Office- Junboni, Contai, Purba Medinipur,
Pin-721452 working as Peon under the
Chief Administrative Officer/Construction,
Eastern Railway, Kolkata, 14, Strand
Road, 4th Floor, Kolkata-700001.

8. KANAI PRASAD, son of Late Phulu
Prasad, residing at 42, Sada Boxi Lane,
Howrah-711101, who retired from service
while working as Peon under the Chief
Administrative Officer/Construction,
Eastern Railway, Kolkata, 14, Strand
Road, 4th Floor, Kolkata-700001.

9. BABLU BERA, son of Late S. Bera,
residing at Village- Ghoshpur, Post Office-
Basantia via Contai, District- East
Medinipur, Pin-721442, working as Peon
under the Chief Administrative
Officer/Construction, Eastern Railway.

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Kolkata, 14, Strand Road, 4th Floor,

Kolkata-700001.

10. **SASANKA SEKHAR BERA**, son of Late
 B. K. Bera, residing at Village-
 Nonakourda, Post Office- Mustaohapur,
 District- East Medinipur, Pin-721443, who
 retired from service while working as
 Khalasi under the under the Chief
 Administrative Officer/Construction,
 Eastern Railway, Kolkata, 14, Strand
 Road, 4th Floor, Kolkata-700001.

...Applicants

-Versus-

1. UNION OF INDIA service through the
 General Manager, Eastern Railway, 17,
 N.S. Road, Fairlie Place, Kolkata- 700001.

2. THE CHIEF PERSONNEL OFFICER,
 Eastern Railway, 17, N.S. Road, Fairlie
 Place, Kolkata- 700001;

3. THE CHIEF ADMINISTRATIVE
 OFFICER/CONSTRUCTION, Eastern

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Railway, Kolkata, 14, Strand Road, 4th

Floor, Kolkata-700001.

4. THE SENIOR PERSONNEL

OFFICER/CONSTRUCTION. East

Railway, Kolkata, 14, Strand Road, 4th

Floor, Kolkata-700001.

... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/1113/2017
MA 350/665/2017

Date of order : 23.8.2017

Present: Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the applicant : Mr.P.C.Das, counsel
Ms.T.Maity, counsel

For the respondents : Mr.A.K.Banerjee, counsel

O R D E R (ORAL)

Heard Mr.P.C.Das, Id. Counsel along with Ms.T.Maity, Id. Counsel appearing for the applicants. Mr.A.K.Banerjee, Id. counsel appeared for the respondent authorities.

2. The applicants, 10 (ten) in number have submitted their grievance in this OA. The applicants have sought the following reliefs :

- a) Leave may be granted to the applicants to file this application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 as the applicants have a common grievance and all are similarly circumstanced persons;
- b) To pass an appropriate order directing upon the respondent Railway authority to count the full service of the present applicants from the date of temporary status till regularization as pensionable service for the purpose of pensionary benefits and retiral benefits and the respondents be further directed after counting such service, consequential benefits may be given in favour of the applicants and the respondents be further directed to recalculate the pension with arrears from due date in respect of the applicants who have retired i.e. the date of superannuation with all incidental benefits after counting the full temporary status till regularization as full service within a specific period of time according to their particulars as mentioned in Annexure A/1 of this original application in the light of the order passed by Learned Central Administrative Tribunal, Patna Bench in OA No. 117 of 2007 and the judgment and order dated 29.4.2013 passed by the Hon'ble High Court of Judicature at Patna in Civil Writ Jurisdiction Case NO. 20174 of 2012 and order passed by the Hon'ble Supreme Court date 30.9.2011 in Special Leave to Appeal (Civil) No. 20041 of 2008 and the order passed by this Hon'ble Tribunal dated 21.1.2016 in OA No. 350/1472/2015 and the implementation order of the railway authority dated 19.1.2017 which is appearing at Annexure A/4 of this original application;
- c) To pass an appropriate order directing upon the respondent Railway authority to give the extension of benefit of the judgment and order passed by Learned Central Administrative Tribunal, Patna Bench in OA NO. 117 of 2007 and the judgment and order dated 29.4.2013 passed by the Hon'ble High Court of Judicature at Patna in Civil Writ Jurisdiction Case NO. 20174 of 2012 and order.

/s/

passed by the Hon'ble Supreme Court date 30.9.2011 in Special Leave to Appeal (Civil) No. 20041 of 2008 and the order passed by this Hon'ble Tribunal dated 21.1.2016 in OA No. 350/1472/2015 in favour of the applicants.

d) To impose costs upon the respondents for unnecessary harassment of the applicants.

3. It is the contention of the ld. counsel for the respondents that out of 10 (ten) applicants only Kanai Prasad and Sasanka Sekhar Bera have retired and others are still in service. Therefore the exigency of counting of temporary service for their pensionary benefits does not arise at present for the remaining eight applicants who are in service. Ld. Counsel for the applicant, however, has cited a number of judgements of Tribunal, High Courts and Apex Court justifying the filing of this case by the applicants.

4. Ld. Counsel for the applicant has also brought to my notice representation made by the applicants on 8.2.2017 to the Chief Administrative Officer/Con, Eastern Railway, Calcutta (Annexure A/2) and another on 4.4.2017 placing their grievance to the respondent authorities.

5. In the given circumstances, without going into the merit of the case, it is directed that since these are service matters, all the applicants shall make individual representations to the respective respondent authorities namely respondents No.2, 3 & 4 as appropriate within 4 weeks of getting the certified copy of this order, as prayed for by the ld. Counsel for the applicant. Such representation shall be examined based on the existing law and regulations by the respondent authorities within 2 months of receiving those representations and the results thereof be communicated to the applicants within 2 weeks thereafter.

6. The OA is accordingly disposed of. No costs.

7. MA also stands disposed of.

(JAYA DAS GUPTA)

ADMINISTRATIVE MEMBER

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